

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

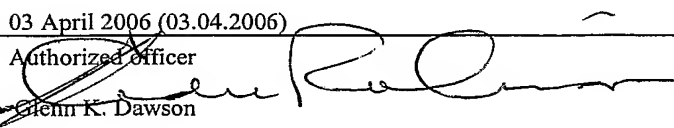
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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|---|--|---|-----------------------|
| Applicant's or agent's file reference<br>CRD5075PCT0  | <b>FOR FURTHER ACTION</b>  |   | See Form PCT/IPEA/416 |
| International application No.<br>PCT/US05/13039   | International filing date (day/month/year)<br>15 April 2005 (15.04.2005) | Priority date (day/month/year)<br>15 April 2004 (15.04.2004)  |                       |
| International Patent Classification (IPC) or national classification and IPC<br>IPC: A61M 29/00( 2006.01)<br>USPC: 606/200  |  |   |                       |
| Applicant<br>CORDIS CORPORATION   |  |   |                       |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>9</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> |  |   |                       |
| Date of submission of the demand<br>15 November 2005 (15.11.2005)   |  | Date of completion of this report<br>03 April 2006 (03.04.2006)   |                       |
| Name and mailing address of the IPEA/ US<br>Mail Stop PCT, Attn: IPEA/US<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, Virginia 22313-1450<br>Facsimile No. (571) 273-3201  |  | Authorized officer<br><br>Glenn K. Dawson<br>Telephone No. 703-308-0858 |                       |

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US05/13039

## Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:  
pages 1,7 and 10 as originally filed/furnished  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* 2-6,8,9,11 and 12 received by this Authority on 15 November 2005 (15.11.2005)
- ☒ the claims:  
pages 13-15 as originally filed/furnished  
pages\* NONE as amended (together with any statement) under Article 19  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_
- ☒ the drawings:  
pages 1-3 as originally filed/furnished  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US05/13039**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

|                               |                         |     |
|-------------------------------|-------------------------|-----|
| Novelty (N)                   | Claims <u>2,5</u>       | YES |
|                               | Claims <u>1,3,4,6,7</u> | NO  |
| Inventive Step (IS)           | Claims <u>2</u>         | YES |
|                               | Claims <u>1 AND 3-7</u> | NO  |
| Industrial Applicability (IA) | Claims <u>1-7</u>       | YES |
|                               | Claims <u>NONE</u>      | NO  |

## 2. Citations and Explanations (Rule 70.7)

Claims 1,3,4 and 6 lack novelty under PCT Article 33(2) as being anticipated by Okada-2001/0025187.

Okada discloses a blood filter having a plurality of strut pairs which extend from adjacent each other near the proximal and distal ends of the filter, and extend outwardly from each other at intermediate portions. When compressed, the struts are parallel to the axis of the filter. The stent has 3 pairs of struts and is made out of nitinol.

Claims 1,3,4,6 and 7 lack novelty under PCT Article 33(2) as being anticipated by Boyle, et al.-6540722.

Boyle discloses a filter made out of pairs of struts. At the ends of the filter, the pairs of struts are adjacent each other. In intermediate sections, the struts curve away from each other. The struts go from an axial orientation to an expanded orientation. The filter is made out of nitinol.

Claim 5 an inventive step under PCT Article 33(3) as being obvious over Boyle, et al.-'722.

Boyle discloses the invention as claimed with the exception of the number of struts. It would not have involved an inventive step to have used 12 struts, as Boyle discloses in col. 23 lines 15 and 16 that the number of struts can vary.

Claim 2 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the intermediate portions of each one of the pairs tends to curve away from each other and touches one of another pair of struts.

Claims 1-7 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----